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10 **Attorneys for Cross-Defendant**
11 **Copa De Oro Land Company**

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES**

14 **Coordination Proceeding Special Title**
15 **(Rule 1550(b))**

16 **ANTELOPE VALLEY GROUNDWATER**
17 **CASES**

18 **Included Actions:**

19 **Los Angeles County Waterworks District**
20 **No. 40 v. Diamond Farming Co., Superior**
21 **Court of California, County of Los Angeles,**
22 **Case No. BC 325 201;**

23 **Los Angeles County Waterworks District**
24 **No. 40 v. Diamond Farming Co., Superior**
25 **Court of California, County of Kern, Case**
26 **No. S-1500-CV-254-348;**

27 **Wm. Bolthouse Farms, Inc. v. City of**
28 **Lancaster, Diamond Farming Co. v.**
Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
California, County of Riverside, Case No.
RIC 353 840, RIC 344 436, RIC 344 668

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4408

Case No. BC 391869
Assigned to Hon. Jack Komar

(Santa Clara Case No. 01-05-CV-049053)

CROSS-DEFENDANT COPA DE ORO
LAND COMPANY'S NOTICE OF
MOTION AND MOTION TO MOVE
STIPULATED AND ADMITTED FACTS
INTO THE EVIDENTIARY RECORD;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION OF
ANDREW J. RAMOS

Date: September 4, 2015
Time: 1:30 p.m.
Dept.: By Courtcall

1 TO ALL PARTIES AND TO ALL PARTIES' ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that at the hearing described above, cross-defendant Copa de
3 Oro Land Company ("Copa de Oro") will move this Court for an order moving stipulated and
4 admitted property ownership and past water use information for Copa de Oro's property into
5 the evidentiary record.

6 Copa de Oro is a party to the global settlement and proposed physical solution that this
7 Court will consider in the next phase of trial beginning September 28, 2015. This Court has
8 stated that, during the next phase of trial, this Court intends to rely in part on the settling
9 parties' property and water use information admitted as part of the Phase 4 trial. During the
10 discovery preceding the Phase 4 trial, and pursuant to the Court's orders, Copa de Oro obtained
11 trial stipulations or admissions from all parties establishing the past water use numbers and
12 property ownership for Copa de Oro's property. However, this information has technically not
13 been moved into the evidentiary record.

14 Because the information Copa de Oro seeks to admit into evidence is subject to
15 stipulations and admissions, Copa de Oro moves this Court to admit its property's past water
16 use numbers and ownership information into the evidentiary record for consideration during the
17 next phase of trial.

18 Copa de Oro seeks admission of the following pre-marked exhibits, all of which are
19 submitted with this motion and were previously served on all parties through
20 www.sceffiling.org:

Pre-Marked Exhibit	Description	Prior Filing Date
6-COPA-1	Declaration of Elliott Joelson for Copa De Oro Land Company (with exhibits)	January 31, 2013
6-COPA-2	Stipulation Regarding Facts Pertaining to Copa de Oro Land Company for Trial	February 28, 2013

Pre-Marked Exhibit	Description	Prior Filing Date
6-COPA-3	Stipulation for Phase IV Trial Regarding Water Use on Copa De Oro Land Company's Property	April 19, 2013
6-COPA-4	Order Approving Stipulations Concerning Copa de Oro Land Company and Granting Leave to Serve Written Discovery	April 30, 2013
6-COPA-5	Copa De Oro Land Company's First Set of Requests for Admissions Propounded on Parties that are Not Signatories to the Stipulations Concerning Copa De Oro Land Company	May 1, 2013
6-COPA-6	Stipulation For Phase IV Trial Between Copa De Oro Land Company And Phelan Pinon Hills Community Services District	April 29, 2013
6-COPA-7	Stipulations For Phase IV Trial Between Copa De Oro Land Company And Diamond Farms, et al.	May 6, 2013
6-COPA-8	Notice of Lodging of Signatures to Stipulations Concerning Copa de Oro Land Company	May 8, 2013
6-COPA-9	Notice of Lodging of Additional Signatures to Stipulations Concerning Copa de Oro Land Company	May 16, 2013
6-COPA-10	Signature of Brad Weeks to Copa de Oro Land Company's Water Use Stipulation	May 17, 2013

The motion is authorized by this Court's authority over this coordinated matter under Code of Civil Procedure section 404.7, California Rules of Court, rule 3.504, subdivision (e), and under Code of Civil Procedure section 2033.410. The motion is based on this Notice and

1 Motion, the Memorandum of Points and Authorities, the Declaration of Andrew J. Ramos, the
2 Court's records in this proceeding, and on any argument or evidence submitted at the hearing.

3
4 Dated: August 12, 2015

Respectfully submitted,

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6 BARTKIEWICZ, KRONICK & SHANAHAN
A Professional Corporation

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8 By: /s/ Andrew J. Ramos
Andrew J. Ramos

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10 Attorneys for Cross-Defendant
Copa de Oro Land Company

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Cross-defendant Copa de Oro Land Company (“Copa de Oro”) requests this Court
3 move the stipulated and admitted facts regarding property ownership and past water use
4 numbers for Copa de Oro’s property into the evidentiary record. The facts that are the subject
5 of this motion have been available to all parties through www.scefiling.org since 2013, and all
6 parties have either stipulated or admitted the truth of these facts. Copa de Oro moves this Court
7 to admit its property’s past water use numbers and ownership information into the evidentiary
8 record so this information may be considered during the next phase of trial.

9 **STATEMENT OF FACTS**

10 Copa de Oro is a signatory to the global settlement and proposed physical solution that
11 this Court will consider beginning September 28, 2015. (Declaration of Andrew J. Ramos
12 (“Ramos Decl.”), ¶ 3; Stipulation for Entry of Judgment and Physical Solution, filed March 4,
13 2015, at signature page 39.) During a recent case management conference, this Court stated
14 that, when it considers the global settlement and proposed physical solution during the next
15 phase of trial, the Court intends to rely on the settling parties’ property ownership and past
16 water use numbers that the Court admitted in the Phase 4 trial.

17 Before the Phase 4 trial, Copa de Oro entered into stipulations with several parties
18 establishing the ownership and past water use numbers for Copa de Oro’s property. (See Pre-
19 Marked Exhibits 6-COPA-2 and 3, and 6 to 10.) On April 30, 2013, Copa de Oro obtained an
20 order from this Court authorizing Copa de Oro to serve requests for admission on all parties
21 who had not entered into stipulations with Copa de Oro. (See Pre-Marked Exhibit 6-COPA-4.)
22 Copa de Oro’s requests for admission concerned the ownership and past water use numbers for
23 Copa de Oro’s property. (See Pre-Marked Exhibit 6-COPA-5.) This Court’s order further
24 stated:

25 A party’s failure to respond to one or more of Copa de Oro’s requests for
26 admission shall be deemed an admission of the matters specified in each request
27 to which the responding party does not serve a response as required by this Order.
28

1 (Pre-Marked Exhibit 6-COPA-4, 3:10-12.) No parties served answers to Copa de Oro's
2 requests. The two parties that served objections to the requests, Bolthouse Properties and Wm.
3 Bolthouse Farms, later withdrew those objections by stipulating with Copa de Oro. (Pre-
4 Marked Exhibit 6-COPA-9.)

5 Because the Phase 4 trial ultimately was limited to 2011 and 2012 water use, Copa de
6 Oro did not seek to move its undisputed evidence regarding property ownership and water use
7 prior to 2011 into the Court's Phase 4 trial record. (Ramos Decl., ¶ 4; see also Fifth Amended
8 Case Management Order for Phase 4 Trial, filed May 23, 2013.)

9 ARGUMENT

10 **A. The Property's Ownership and Past Water Use Information Are Subject to**
11 **Existing Stipulations and Admissions**

12 During Phase 4 discovery, Copa de Oro obtained stipulations to, and admissions of, its
13 property ownership and water use information from all parties. Prior to the Phase 4 trial, some
14 parties entered into trial stipulations with Copa de Oro. All remaining parties are deemed to
15 have admitted the truth of the facts under the Court's April 30, 2013 order. (See Pre-Marked
16 Exhibit 6-COPA-4; Ramos Decl., ¶ 5.) Under Code of Civil Procedure section 2033.410, the
17 facts that Copa de Oro seeks to move into the record are conclusively established against the
18 parties deemed to have admitted them. (Code Civ. Proc., § 2033.410.) Finally, no party sought
19 discovery from Copa de Oro prior to the July 17, 2015 discovery deadline. (Ramos Decl., ¶ 6;
20 see also Case Management Order filed January 22, 2015 (setting July 17, 2015 discovery
21 deadline related to the proposed settlement).)

22 **B. Good Cause Exists to Grant Copa de Oro's Motion**

23 This Court has stated that, when it considers the settling parties' claims during in the
24 next phase of trial, this Court will rely on property ownership and past water use information
25 admitted into evidence during the Phase 4 trial. This approach will expedite the proceedings
26 and prevent the cumulative presentation of evidence already introduced during the Phase 4 trial.

27 As a settling party, Copa de Oro seeks to be on the same footing as the other settling
28 parties by having its property-ownership and past water-use information in the evidentiary

1 record. This information already is present in the on the Court's e-filing website, and simply
2 must be moved into the evidentiary record. Good cause exists for this request because it will
3 prevent the Court from having to hear the unnecessary presentation of Copa de Oro's property
4 ownership and past water use information, the truth of which all parties have either stipulated to
5 or admitted.

6 **CONCLUSION**

7 For these reasons, Copa de Oro respectfully requests this Court enter an order admitting
8 Copa de Oro's pre-marked exhibits into evidence.

9
10 Dated: August 12, 2015

Respectfully submitted,

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12 BARTKIEWICZ, KRONICK & SHANAHAN
A Professional Corporation

13
14 By: /s/ Andrew J. Ramos
Andrew J. Ramos

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16 Attorneys for Cross-Defendant
Copa de Oro Land Company
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PROOF OF SERVICE

I, Andrew J. Ramos, declare:

I am a citizen of the United States and a resident of Sacramento County. I am over the age of 18, not a party to this action and am employed at Bartkiewicz, Kronick & Shanahan, 1011 Twenty-Second Street, Sacramento, California 95816. On August 12, 2015, I served, in the manner described below, the following document:

CROSS-DEFENDANT COPA DE ORO LAND COMPANY’S NOTICE OF MOTION AND MOTION TO MOVE STIPULATED AND ADMITTED FACTS INTO THE EVIDENTIARY RECORD; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF ANDREW J. RAMOS

I posted this document to the Court’s World Wide Website at www.scefiling.org.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Sacramento, California on August 12, 2015.

/s/ Andrew J. Ramos
Andrew J. Ramos